

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 19 and replaces the original sheet.

In Figure 19 the legend (PRIOR ART) has been added.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Initially, the indication that claims 5, 7-12 and 16-20 represent allowable subject matter is appreciatively noted. Figure 19 is amended to be labeled as "prior art".

Claims 1-4, 6 and 13-15 stand rejected under 35 USC 102b as allegedly being anticipated by Yonemura. In response, the limitations of claim 2 have been incorporated into claim 1, and claim 2 is canceled herewith. Claim 3 is also canceled, and a new claim 21 having a similar scope to claim 3 is provided. New claim 22, which is similar in scope to (allowable) claim 5 is also presented herein.

As amended, claim 1 includes the submount with an aperture extending through the submount, the submount being open at a portion where the aperture faces the stem base. Claim 1 also specifies that the photodetector is at least partially disposed within the aperture.

With all due respect, Yonemura does not teach or suggest an aperture that extends through the submount (23a). In fact, the submount in Yonemura does not have any aperture at all. To the extent there is an aperture in Yonemura, it is within lens holder 21, however this is not the same as the claimed

"submount".

Yonemura describes "a face that is opposed to the optical axis X1 of the stem 23 is inclined against the optical axis X1 and on this face a detector photodiode 23c is mounted." See column 8 lines 24-27. This description, as well as figure 6, show that photodetector 23c is actually on the flat surface of the submount 23a, rather than partially disposed within an aperture, as claimed. Figure 6 discloses a lens holder having enclosing the photodetector 23c. However, this lens holder 21 cannot reasonably be considered to correspond to the submount in claim 1, since the laser diode 23b is not mounted on lens holder 21.

Therefore, amended claim 1 is not rendered obvious by Yonemura, and therefore should be allowable the rover along with the claims that depend therefrom.

Claim 21 recites a recess in the submount, rather than an aperture. However, claim 21 should be allowable over the cited prior art for analogous reasons to those discussed above with respect to claim 21. More specifically, Yonemura does not teach or suggest a submount with a recess within which a photo detector is at least partially disposed, as claimed. Therefore, claim 21 (and claim 22 that depends therefrom) should be similarly allowable.

It is believed that all of the pending claims have been

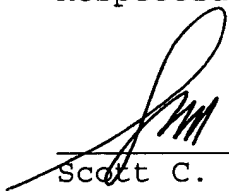
addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any and all charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

4/11/05

  
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